

MEMORANDUM

To: Planning Commission
From: Ronnie Kurtz
Date: June 11, 2019
Subject: Text Amendment
Chapter 20—Public Art

ITEM DESCRIPTION

Request to adopt text amendment to the Sign Code (Chapter 27) in regards to public art. The proposal would permit art installations meeting limited aesthetic criteria subject to approval of the Dunwoody Arts Council without subtracting from allocated sign allowances.

DISCUSSION

As code currently reads, a *sign* is defined as “a device, fixture, placard, structure or representation that uses any color, form, graphic, illumination, symbol or writing for visual communication which is used for the purpose of bringing the subject thereof to the attention of others and is directed to be viewed from any outdoor space.” Absent any other reference in the code, this definition encompasses decorative assemblies that may be colloquially considered “art.” As such, a property owner may not erect any form of “art” without subtracting from the amount of signage they are already permitted.

With the impending formation of the Dunwoody Arts Council, the City has an interest in permitting art installations per the Council’s standards in pursuit of developing and promoting an aesthetic character unique to Dunwoody. Specifically, staff and future members of the Dunwoody Arts Council envision allowing installations similar to the iconic “Everything Will Be Okay” sign at the Spruill site.



In order to allow such installations, the proposed amendment defines *public art* as

“a visual, wholly noncommercial artistic expression intended and able to be viewed from a public way that meets the criteria of Sec. 20-69 and is approved for placement by the Dunwoody Arts Council.”

To limit art installations to visual standards similar to the aforementioned sign, Sec. 20-69 further defines public art as consisting of black copy against a white background of acrylic-aluminum composite. Graffiti inspired pieces are explicitly prohibited. Installations are limited to 120 square feet in area.

As a quality control and to ensure the continued integrity of the desired aesthetic program, approval by the Dunwoody Arts Council is required for any such art installation.

The section clarifies that installations meeting the standards of this code section do not count against a property's sign allowance as established elsewhere in the code. Installations beyond the parameters of this amendment could still be permitted, provided they meet the existing sign standards and allowances outlined in this chapter.

Attachments:

Chapter 20, with edits.

Sec. 20-3. - Definitions.

NOTE: Images appear below the definition to which they refer.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The inclusion of a definition in this list below should not be interpreted as a representation that a sign is permitted:

Abandoned or dilapidated sign shall mean any sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, holes on or in the sign structure, broken, missing, loose or bent parts, faded or flaking paint, non-operative or partially non-operative illumination or mechanical devices or which is otherwise dilapidated, unsightly, unkempt, or which is located on a property or business without an occupational tax certificate

Aggregate sign area shall mean the sum total of the sign area of any and all signs for a given lot. Subdivision signs, flags and banners are excluded from any determination of aggregate sign area in residentially zoned districts. Street numbers assigned or used by the United States Postal Service shall not be considered in calculating the aggregate sign area.



Image 1: Aggregate sign area

Animated sign shall mean a sign that all or any part thereof visibly moves mechanically, and/or as a result of human activity, and/or as a result of air/wind-driven inputs, or uses movement or a change of lighting to depict action or to create a special effect or scene. This includes signs that flash, blink, scroll, fade or rotate/revolve to display a message in more than one direction, and tri-vision signs, but does not include flags, banners, or canopies.



Image 2: Animated sign

Area of a sign/sign area shall mean the area upon which a message is displayed on any sign consisting of the smallest square, rectangle, triangle, or circle, which encompasses the entire sign message, and excluding the base, apron, supports, border, trim and other structural members. For double-faced signs, the side of the sign with the largest sign area shall be used in computing the sign area.



Image 3: Area of sign

Awning/canopy shall mean an architectural element that is intended to be hung either with a frame or without a frame, protruding from the building façade with the purpose of protecting pedestrians from the elements. Awnings or canopies may extend over a sidewalk, walkway, or vehicle access area.



Image 4: Awning/Canopy

Awning/canopy sign shall mean a sign affixed to, superimposed upon, or painted on an awning/canopy or in which graphics and symbols are painted, sewn, or otherwise adhered to the awning material as an integrated part of the awning itself. Awning/canopy signs are considered building signs and are further regulated by section 20-57.



Image 5: Awning/Canopy sign

Banner shall mean a sign other than a flag with or without characters, letters, illustrations or ornamentation applied to cloth, paper, flexible plastic, vinyl or fabric, including canvas, that is intended to be hung either with a frame or without a frame. Neither flags nor canopy signs are considered banners. Standard informational signs are excluded from the definition of a banner. Banners are considered temporary signs and are further regulated by section 20-67.



Image 6: Banner

Beacon sign/search light shall mean any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source, also, any light with one or more beams that rotate or move. Beacon signs/search lights are prohibited.

Building sign shall mean any wall, canopy, awning, or projecting sign affixed to a building. Building signs are further regulated by section 20-57.

Business day shall mean any day during which city government offices are open for public business. For purposes of this chapter, a "business day" shall not include any day during which city government offices are closed due to a holiday, emergency, inclement weather, or the like.

Changeable copy sign/reader board shall mean a sign that is capable of changing the position or format of word messages or other displays on the sign face or change the visible display of words, numbers, symbols and graphics by the use of a matrix of electric lamps, movable discs, movable panels, light apertures or other methods, provided these changes are actuated by either a control mechanism or manually on the face of the sign. Changeable copy signs are prohibited, except as allowed by section 20-53 and section 20-55.

Changeable copy sign, electronic shall mean a sign whose message may be changed at intervals by electronic process or by remote control, including the device known as a trivision sign, LCD sign or LED sign.

City shall mean the City of Dunwoody, Georgia.

Direct lighting/illumination shall mean a specific style of illumination where the source of light is internal and integral to the sign structure, and where the resultant illumination radiates out in the direction of the viewer. Illumination is further regulated by section 20-62.



Image 7: Direct lighting/illumination

Directional sign shall mean any sign containing directional information to manage vehicular and pedestrian traffic on a property and to minimize and avoid vehicular and pedestrian conflicts. Directional signs are further regulated by section 20-59.



Image 8: Directional sign

Director shall mean the director of the community development department, or his/her designee.

Double-faced sign shall mean a sign structure which has two display areas placed back to back, parallel to each other, where one sign face is designed to be seen from one direction and the other face from another direction.

Electronic sign shall mean a sign whose message may be changed at intervals by electronic process or by remote control, including the device known as a trivision sign, LCD sign or LED sign. Electronic signs are prohibited, except as allowed by section 20-55.

Entrance sign shall mean any ground sign placed at the intersection of a public street and a private entrance into an apartment, office, condominium, church or industrial complex or some other building with multiple residential or commercial units.



Image 9: Entrance sign

Façade, primary shall mean the façade of the building which contains the primary building entrance.

Façade, secondary shall mean any façade that is not the primary building facade.

Flag shall mean any fabric or bunting containing colors, patterns, or symbols attached to a flagpole. Flags are further regulated by section 20-66.

Flagpole shall mean a freestanding structure or a structure attached to a building or to the roof of a building on a parcel of record and used for the sole purpose of displaying flags. Flagpole height shall be measured from average grade. Flagpoles are further regulated by section 20-66.



Image 10: Flag/Flagpole

Ground sign shall mean a permanently affixed sign which is wholly independent of a building for support with a base of a width not less than the width of the sign face. The base of the sign face shall be flush with the supporting base, and the supporting base shall be flush with the ground and extend the full width of the sign. All ground signs shall be monument signs unless explicitly noted otherwise. Ground signs are further regulated by section 20-58.



Image 11: Ground sign

"Halo" lighting (and similar lighting styles) shall mean a specific style of illumination where the sign face and returns are mounted on standoffs away from the wall which project illumination to the wall surface giving the sign a halo effect. Illumination is further regulated by section 20-59.

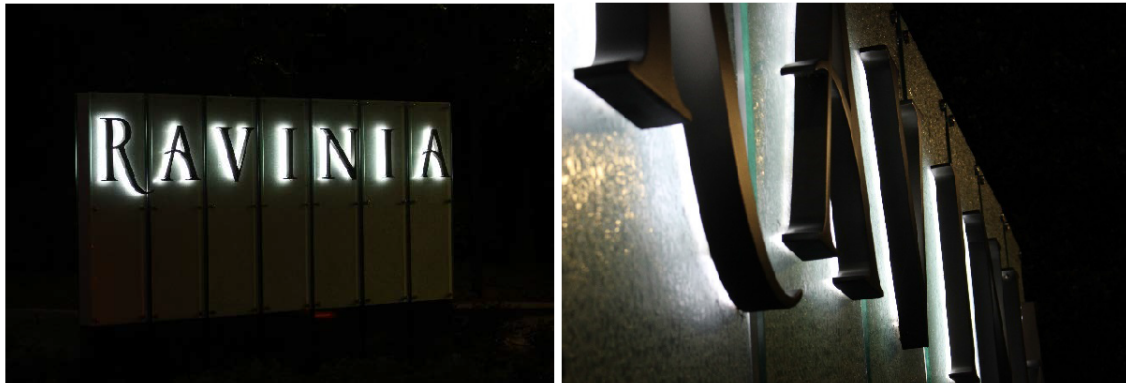


Image 12: Halo lighting

Hanging sign shall mean a permanent sign that projects outward from a fixed column, typically at a 90-degree angle, and hangs downward from a bracket or support. The column must be made of brick, stone, or decorative concrete block. Exposed poles are prohibited. Hanging signs are permitted as subdivision/entrance signs only as defined in section 20-53.



Image 13: Hanging sign

Illegal sign shall mean any sign that was erected in violation of the laws as they existed at the time the sign was established, including signs built without a permit and/or signs that were not built in conformance with an issued permit.

Illuminated sign shall mean a sign that has light cast upon the sign from a source either internal to the sign or from an external light source directed toward such sign. Such lighting may be transmitted via direct lighting, indirect lighting, routed push through, halo lighting, or other acceptable methods. Illumination is further regulated by section 20-62.

Indirect lighting shall mean a specific style of illumination where the source of light is external to, and independent of, the sign structure, and the illumination radiates toward the message area away from the viewer. Illumination is further regulated by section 20-62.



Image 14: Indirect lighting

Institutional use, for the purposes of this chapter, means both the land use category and activities which include the following uses: aquariums, cemeteries, child daycare centers, college or university, convents and monasteries, elementary, middle and high school, both public and private, fire and rescue services, hospital, house of worship, jails and prisons, library, museum, parks and outdoor recreation, including arboretums, wildlife sanctuaries, public forests, public areas for hiking, nature centers, and other passive recreation-oriented parks, post offices, public and/or government buildings, public indoor recreation centers such as government-run natatoriums, solid waste collection sites, wastewater treatment plant, and zoos.

LCD sign shall mean an electronically controlled sign utilizing liquid crystal diodes to form some or all of the sign message. LCD signs are prohibited, except as allowed by section 20-55.

LED sign shall mean an electronically controlled sign utilizing light-emitting diodes to form some or all of the sign message. LED signs are prohibited, except as allowed by section 20-55.

Lot shall mean a designed parcel, tract, or area of land legally established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon. In addition, a lot shall be a parcel of land that is of sufficient size to meet minimum zoning requirements for lot area, coverage, and use and that can provide such yards and other open spaces as required by the zoning standards.

Menu sign/ordering kiosk shall mean a sign/kiosk that may contain a microphone, ordering screen, and speaker for the purpose of ordering services and products sold on the premises. Menu signs/ordering kiosks are further regulated by section 20-49(11) and section 20-55(3).

Multi-faced sign shall mean a sign structure with more than two faces situated so that each sign face is facing a different direction, facing more than two directions, or two directions not back-to-back, whether or not all faces contain some message. Multi-faced signs are prohibited.

Neon sign shall mean a sign composed of exposed, visible neon tubing. Neon sign shall also include signs similar in appearance but illuminated via other gases or liquids similar to neon.

Nonconforming sign shall mean any sign which was lawfully permitted by the jurisdiction of record, and was legal at the time of establishment, but does not conform to the provisions of this chapter. Nonconforming signs are further regulated by section 20-61.

Permanent sign shall mean any sign that is not temporary.

Permit shall mean a sign permit reviewed, approved and issued by the community development department.

Permittee shall mean the person and/or entity owning or leasing the land on which the sign is erected or for which an application has been submitted.

Person shall mean a natural or legal person, including a firm, organization, partnership, trust and corporation.

Planned commercial center means any commercial, office, industrial or mixed-use development that contains multiple offices, residences, retail or industrial uses, or combination of such uses, with a common entry from a public street and is managed as a whole and in accordance with all applicable requirements of the zoning ordinance.

Pole sign shall mean a permanent sign that is mounted on a freestanding pole or other support that is placed on, or anchored in, the ground and that is independent from any building or other structure. Pole signs are prohibited.



Image 15: Pole sign

Portable sign shall mean any sign not permanently attached to the ground or other permanent structure; or sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; balloons used as signs; and signs attached to or painted on vehicles while visible from the public right-of-way, except as provided herein. For the purposes of this chapter, sandwich board signs, banners and pole banners as prescribed herein are not considered portable signs. Portable signs are prohibited, except as allowed by section 20-51(15).



Image 16: Portable sign

Projecting sign shall mean any sign which projects outward from a building or other structure and extends more than 24 inches horizontally from the plane of the building wall. The signage area must not be parallel to the building. Projecting signs are considered building signs and are further regulated by section 20-57.



Image 17: Projecting sign

Public art is a visual, wholly noncommercial artistic expression intended and able to be viewed from a public way that meets the criteria of Sec. 20-69 and is approved for placement by the Dunwoody Arts Council.



Image 18: Public art

Pump-island sign shall mean a sign located under a canopy and on top of the pump islands of a service station or convenience store with gas pumps. Pump island signs are further regulated by section 20-55.

Road, accessible shall mean any road or street, public or private, that provides a means of ingress and egress to the lot. The term "private road" shall not include drive isles in parking lots.

Roof sign shall mean a sign attached to or supported by the roof of a building, or a sign that extends into and/or above the immediately adjacent roof line of the building irrespective of attachment point, or a sign that wholly or partially encroaches upon any roof line of a building, or a sign attached to, encroaching into or extending above the sloping phase of a mansard roof or faux mansard roof, or any combination thereof. Roof signs are prohibited.



Image 1819: Roof sign

Rotating sign. See animated sign.

Routed push-through shall mean illumination that displays information on the sign face with the letters/logo routed-out and an acrylic panel placed behind it, to allow light to penetrate through the sides of the letters/logos only. Faces of signs must be opaque, and letters/logos may extend no more than one-quarter-inch from the sign. Illumination is further regulated by section 20-62.



Image ~~19~~20: Routed push-through

Sandwich board sign shall be a single or double-faced, hinged or un-hinged, temporary sign designed to be used on a sidewalk or pedestrian way. Sandwich boards are further regulated by section 20-67.



Image 2021: Sandwich board sign

Shingle/suspended sign shall mean a sign that projects less than 24 inches outward from a building, typically at a 90-degree angle, and hangs downward from a bracket or support. Shingle/suspended signs may extend over a sidewalk, walkway, or vehicle access area. No shingle/suspended sign shall be maintained less than eight feet above the ground level when erected over pedestrian walkways or driveways and no less than 14 feet above vehicle access. Shingle/suspended signs are further regulated by section 20-66.



Image ~~21~~22: Shingle/suspended sign

Sign shall mean a device, fixture, placard, structure or representation that uses any color, form, graphic, illumination, symbol or writing for visual communication which is used for the purpose of bringing the subject thereof to the attention of others and is directed to be viewed from any outdoor space. For purposes of this chapter, the term "sign" shall include the structure upon which a sign face is located. Flags and banners shall be included within this definition only as provided elsewhere herein.

Sign face shall mean that part of a sign that is or can be used for advertising purposes.

Standard informational sign shall mean a sign with a sign face made for short term use, containing no reflecting elements, flags, or attachments that are not rectangular in proportion and which is mounted on a post, stake or metal frame with a thickness or diameter not greater than three and one-half inches, and which is no greater than nine square feet in area. Banners and directional signs are not included in the definition of a standard informational signs. Banners are considered temporary signs. Standard informational signs are further regulated by section 20-60.

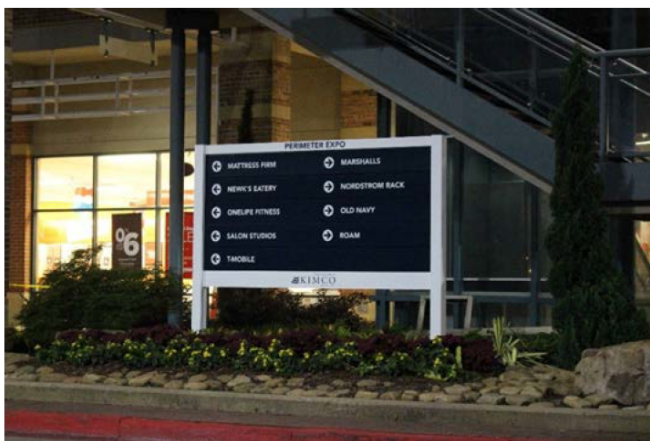


Image 2223: Standard informational sign

Store front shall mean the exterior wall of a single, undivided unit located within a planned commercial center or business park.

Street frontage shall mean the lot line that is coincident with any road or street, public or private, that provides a means of direct ingress and egress to the lot.

String lights shall mean signs consisting in whole or in part of a series, line, or row of lights, whether supported by cables or other physical means, within 150 feet of a street and visible therefrom. String lights are prohibited, except as allowed by subsection 20-49(8).

Subdivision sign shall mean a sign placed at the intersection of two roads, at least one of which is a public road, with the other road being the main thoroughfare into and out of a commercial or residential development and consisting of either a ground sign or a wall sign as permitted otherwise in this ordinance. Subdivision signs are further regulated by section 20-53.

Temporary signs shall mean any sign not permanently affixed to the ground or other permanent structure or foundation and designed to be displayed for a limited time. Temporary signs are further regulated by section 20-67.

Tri-vision sign shall mean a sign designed with a series of triangular slats or columns that mechanically rotate in sequence with one another to show three different sign messages in rotation. Tri-vision signs are prohibited.

Wall sign shall mean any sign attached parallel/flat to a wall, painted on the wall surface or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building and which displays only one sign surface. No wall sign shall extend more than eight inches from any wall, building, or structure. Wall signs are considered building signs and are further regulated by section 20-57.

Window sign shall mean any sign that is placed on, in or intrudes over a window opening or upon the window panes of glass, either inside or outside the building, and is oriented to be viewed from the exterior of the structure. Customary displays of merchandise behind a store window are not considered window signs. Window signs are further regulated by section 20-49(1) and section 20-51(2).

(Ord. No. 2010-10-39, § 1, 10-25-2010; Ord. No. 2017-07-18, § I, 7-24-2017; Ord. No. 2018-05-10, § I, 5-21-2018; Ord. No. 2019-01-02, § I, 1-28-2019)

Sec. 20-69. – Public art.

- a) Public art shall consist of black copy against a white background of acrylic-aluminum composite. Pieces shall be painted directly on or affixed to walls in busy areas where they are visible to the entire community
- (b) No work of public art may exceed 120 square feet in area.
- (c) Public art may be erected on public or private property only with acquisition of approval from the Dunwoody Arts Council pursuant to the guidelines established by the council.
- (d) No graffiti inspired artwork, nor any graffiti elements, shall be permitted.
- (e) No installations of public art shall be permitted in the public right-of-way, with the exception of installations along the Dunwoody Trailway.
- (e) Installation of public art shall not count against a property's sign allowance as established anywhere else in this code.

Sec. 20-~~7069~~ - Severability.

Should any article, section, clause, or provision of this chapter be declared by a court of competent jurisdiction to be invalid, such action shall not affect the validity of the ordinance as a whole or any part hereof other than the part so declared to be invalid, it being the intent of the city council of that each article, section, clause, and provision hereof be severable.

(Ord. No. 2011-07-22, § 7, 7-11-2011; Ord. No. 2017-07-18, § I, 7-24-2017)

Editor's note— Ord. No. 2017-07-18, § I, adopted July 24, 2017, renumbered former § 20-68 as § 20-69.